LAKE COUNTY PLANNING BOARD
April 10, 2019
Lake County Courthouse, Large Conference Room (Rm. 316)
Meeting Minutes

MEMBERS PRESENT: Steve Rosso, John Fleming, Sigurd Jensen, Rick Cothern, Lee Perrin, Brendeon Schoening, David Passieri, Janet Camel (6:37 pm)

STAFF PRESENT: Jacob Feistner, Lita Fonda; Wally Congdon

Steve Rosso called the meeting to order at 6:32 pm.

MAP & TEXT AMENDMENTS TO LAKE MARY RONAN ZONING DISTRICT & REGULATIONS (6:32pm)

Jacob Feistner presented the staff report. (See attachments to minutes in the April 2019 meeting file for staff report.) He highlighted the wording and date of 5/15/97 in the legal notice from that time (attachment #16), which called for the zoning to apply to lands in specific sections owned by Plum Creek on that date. He described the correlation of numbers in the staff report and on the maps in the staff report attachments, and talked about each numbered discrepancy.

From discussions with Wally Congdon (County civil attorney), Jacob learned that generally if a property was in zoning and attached to a parcel out of a zoning district, it generally pulled that part in. A suggestion that Jacob relayed from Wally was that they could add a line to the description that said any land added to lots or parcels in the district would automatically become part of it. The Folwell property was touched upon by Jacob, Sigurd and Rick.

Rick asked about public comment. Jacob said he'd received one call about vacation rentals.

Jacob continued through the list of discrepant items described in the report. He pointed to attachment 6 as the proposed map, and proposed text amendments with changes tracked in attachment 8 and touched on corrections listed in the staff report beginning on pg. 6.

Lee asked for clarification on short term rentals (STRs), ADUs (accessory dwelling units) and accessory guest cabins, each of which appeared in the document. Jacob defined STR as the rental of a property and structures for less than 30 days. For an ADU, if a property had enough density and complied with Buildings for Lease or Rent (BLR), you could have a house and rent out a guest house, because you complied with Density and you complied with the BLR regulations. These couldn't be independently inhabited if you didn't have enough density or if you didn't comply with the BLR regulations, in which case it would be a guest house for company or immediate family. If you wanted to rent it out, it became an ADU. Staff wanted to add this because it was in line with what the Growth Policy promoted, to add more available housing to the area. Planning staff felt an ADU was only appropriate if there was sufficient density and it complied with BLR regulations. STRs were addressed [in the proposed amendments, see also attachment 10 of the staff report].

Jacob continued through the staff report.

Steve requested public comment prior to Board questions and comments. Steve and Loralee Graves said they were here to listen rather than to comment regarding the Lake Mary Ronan regulations. They thought they weren't in the zoning district and Steve R asked if they wanted to be in the zoning district. Steve G. didn't know. Loralee didn't necessarily agree. They had a short term rental. She liked the idea that there would be something in writing that controlled the properties and the lake. If you knew the rules, you could play by them.

Steve asked why Plum Creek wanted zoning in 1997 but no one else did. Sigurd explained initially everybody else wanted the zoning so they could zone Plum Creek, who entered the conversation. They came up with a zoning plan at which time everybody else didn't want the rules and regulations. They just wanted Plum Creek to have it. They voted the zoning out in the other areas. Plum Creek had done a lot of work on this and decided to go ahead and zone what they owned. Jacob added that a proposal had gone to the Commissioners to zone everything in those sections. There was enough protest that it was denied. They went back to the process and only zoned Plum Creek's land. Rick said he couldn't speak for the entire Lake Mary Ronan region, but it was different now. Some would still not want government at any level. Quite a few people would like to see 'equitable and predictable'. Steve gave an example of people seeking zoning for predictability and easier marketing if the rules were defined. Wally talked more about what happened with zoning, Plum Creek, neighbors and Lake Mary Ronan and other places. Neighbors wanted to use the Plum Creek land as a park. Steve voiced his concern that this seemed like an opportunity to make [the zoning] effective. He referred to the idea of protecting the lake. This [situation] seemed like putting a speed limit only on red cars. To effectively do what zoning was supposed to do, they needed more people in the zoning district.

Jacob observed that undeveloped properties that could become a problem were mostly in the zoning district. This zoning district had gone 22 years without an update. He'd like to do an update without making it such a big process that they couldn't get through it. Steve asked about the process for annexing the other landowners. Wally explained they needed a percentage of the landowners. They had a right to protest. It was better to eat the apple a bite at a time. The idea was to [update] the zoning districts and fix the templates. After that, if they wanted to take on zoning additional portions of Lake Mary Ronan, that could either be citizen-initiated or Commissioner-initiated. Jacob said they'd like the amendments to be manageable so they could get back on a routine of doing them on a regular basis. The group discussed protests. Jacob relayed that MACO (MT Association of Counties) said the protest period had been eliminated. It was now a comment period and not necessarily tied to a percentage. Wally noted if you were fixing a zone to be consistent and to comply, that was a different thing than zoning something new. These had different standards. Jacob said that some developers in this case were in support of the zoning, which gave them a higher density. If the zoning district was gone, it would be 20-acre density.

Janet had formatting questions. She compared the administration location under XVI in the old version and under IX in the new version. This was confusing. Jacob thought it might be a typo. Janet asked if a definition for ADU's could be added and Jacob confirmed. Janet agreed the review language should be left more general.

Steve suggested they start at the beginning of attachment 8. He reminded that they should pay attention to the Growth Policy implementation actions.

Attachment 8, Purpose, pg. 1:

Steve: Mention 'protect and enhance public safety', and then Growth Policy wording 'to promote defensible space in the wildlife urban interface' and ' access for emergency vehicles' and 'availability of water supplies'. He wasn't sure if they wanted to be that specific, beyond mentioning public health and safety.

Rick agreed this was a good idea. Brendeon asked where else the defensible space was listed. Steve read Growth Policy implementation action #21. Rick noted they wouldn't have a compliance person. Jacob said currently they only looked at this through subdivision review. Steve thought by adding public safety to the purpose, it was justifiable if they needed to do something.

Janet: Add 'and cultural' after 'protect and enhance the natural'. Brendeon touched on weeds. Jacob said enforcement was lacking and this was mostly covered in subdivision review. Jacob's concern with adding 'cultural' was if they added it, they needed to define it. Steve turned to #46 in the Growth Policy and read it. He thought it might be protected in the subdivision process but he hadn't seen it zoning regulations. Jacob noted the undeveloped area was largely on the west side of the lake, which would have to get comments on cultural resources before it could be subdivided. Steve thought they should consider sticking it in here if they were making some of this a boilerplate for the group of zoning districts.

Attachment 8, pg. 1 and attachment 10: Short-term rentals:

Steve asked the group about having short-term rentals in the permitted uses, with the advantage that the staff could manage them and didn't have to take the time to go to a board, versus having these in the conditional uses, with the advantage that not only did the [directly] adjacent neighbors get to comment, but others could make a comment at a public hearing. At Lee's request, Jacob explained that short-term rentals were supposed to have a license from the State and also approval from the Environmental Health Dept. to verify their septic could handle the capacity. That didn't address land use such as parking, lighting, noise or other items on which Planning received complaints regularly. The intent was to provide rules to guide people and make them more accountable by making someone contactable and able to be there within an hour, 24/7, to address situations. [Staff] could revoke their permit if too many complaints were received, and could tag them with a penalty if they didn't follow the conditions of their approval. He tried to keep the process simple but with some teeth if they had issues.

Per Brendeon's query, Jacob replied that generally for a stay more than 30 days, a family was living there on a long-term basis and the impacts were different than having a different renter every other week or more often. He hadn't gotten a complaint on a long-term rental. He got them all the time about short-term rentals. The impacts were different and there wasn't accountability. Steve observed that under the current rules, someone could rent a cabin for a weekend once in a 30-day period without being a STR. Jacob said [the rentals] made sense, to

pay taxes and be able to keep their properties, but it was sometimes getting out of control due to lack of regulation.

Steve turned to pg. 2 of attachment 10, which contained the public notice [which was proposed for the STR permitted use]. It didn't go through the normal public notice process that it would if it were a conditional use, which included a notice in the newspaper. Jacob noted both processes included sending letters [to directly adjacent owners]. Lita specified that currently the notice would include directly adjacent owners, including those who were kitty-corner and so forth, and also those within 50 feet although not directly adjacent, which didn't happen very often. Steve gave the example of someone who might want to comment who was ¼ mile away on the same road and would be affected by the traffic going by. He asked again for the Board's thoughts on STR's as permitted versus conditional use. Janet liked the notification of adjacent landowners. Jacob reiterated they would send out letters for either process and just would not put it in the paper for the permitted use. Sigurd spoke for leaving it as a permitted use. Jacob explained that the Environmental Health Dept. sent out 300 letters [about vacation rentals] last year. Planning was still trying to handle that. He didn't think it was manageable to bring each one to the Board of Adjustment. Steve noted they could amend later to be a conditional use if they found it was a problem [as a permitted use]. Rick agreed that initially a permitted use would probably be smoother. Jacob pointed to the use of the Board of Adjustment as an appeal board in the proposed amendment.

Attachment 8, pg. 2:

Janet: Correct 'possess' to 'possesses' in the 5th line of the second sentence of 1.c.

Attachment 8, pg. 4, D.2:

Jacob replied to Steve that they would eventually like the setback from a public road to be consistent throughout the zoning districts. Finley Point was currently 50 feet. Steve thought it was reasonable to be farther back from the state highways. Jacob said most highway setbacks were 100 feet from the center line or 50 feet from the right of way. In Lake Mary Ronan, a lot of houses were close to the road. Steve agreed that it works there; he wanted to bring it up if they were going to make a single [template].

Attachment 8, pg. 5, the last paragraph of VII, regarding minimum size for permitting:

Jacob looked for thoughts on whether to use 120 or 100 square feet. With dimensional lumber, a 10 x 12 shed might make more sense than 10 x10, so maybe he should change the others to 120. Steve noted an 8 x 12 shed was less than 100. Jacob agreed that was also dimensional. Lake Mary Ronan and City County zoning had 120 square feet currently for the line and the rest had 100. They could make this one match the majority. Steve could go along with that. Some size was needed, and that people needed to know they still needed to follow setbacks and so forth if a permit was not required.

Attachment 8, pg. 10, item L regarding impervious surface area calculations:

Steve said if someone built outside the buildable area, that impervious surface area wasn't included in the calculation. He suggested they could say 'the area that's allowed for impervious surface' rather than 'the buildable area'. [Currently] if someone put in a driveway, a paved driveway could go down the setback to the house and then into the buildable area without concerns on stormwater or impervious surface calculations for the driveway [portion] in the setback zone. He thought they should change the impervious surface calculation to be the part of the portion of a lot available for development with impervious surfaces that's covered with manmade improvements. Rick pointed to what happened in the Lake Mary Ronan neighborhood. There was some pavement and some open dirt—which was putting more sediment in the lake?

Steve said if someone had development in a setback towards the lake, if that was approved with a variance, it actually changed the setback and enlarged the buildable area. Then when the percentage of impervious surface got calculated, the buildable area was increased. Jacob said that depended on the variance requested. If they requested a reduced [setback], that expanded the buildable area. If they requested a noncompliant structure within the 50-foot setback, it didn't change the setback—it allowed them to have a use that they normally couldn't have in that area.

Steve suggested including all of the impervious surfaces in [the equation to determine the percentage of impervious surface] and divide it by all of the area on the lot that was available for impervious surface. Quite often, that would increase the part that was available for impervious surface. You wouldn't include the 50 feet by the lake because they weren't supposed to have construction of driveways or so forth there. If they were allowed to do something in there, like a boathouse, that surface would be allowed. The calculation would be all impervious surface but it would also include more of the lot. He thought this would reduce the percentage on most lots and fewer impervious surface variances would be needed. It would be more representative to consider the capacity that the green area of the lot had to accept stormwater. He described an example from the Board of Adjustment with a small lot where the setbacks took out a lot of the property. The people had a high percentage of impervious surface as a result. They had green areas to absorb stormwater but they couldn't meet the regulations because the setbacks took so much of the open area of the lot. He asked if Jacob could think about how a definition might work.

Jacob described what the City [County zoning] did, with lot coverage instead of buildable area, and gave detail. Steve referred to the part of the lot that was available for development with impervious surfaces. That didn't include the undisturbed slope that was above 25%; you couldn't include those or build upon them without disturbing them. Lee asked where the calculation would come in. Jacob said usually this was calculated for a newly developed lot. They took out the setback. If whatever was left was below 25% slope, they could build on it. It was fairly simple and worked pretty well.

With the City method, Rick asked what counties might be using that. Jacob replied he hadn't looked at how the other counties calculated this. In City County zoning, you took the square footage of the lot and you could develop up to a certain percentage depending on the sub-district.

It was a sliding scale based on slope. It worked. It was just another way to do it. It'd be nice to do them all the same.

Rick thought it sounded like it encompassed what Steve was trying to get to, perhaps with shorter verbiage. Jacob said they could go that way. He personally hadn't had a problem with the way it was except that from 50 to 20 feet, impervious surface wasn't counted. That was a problem that needed to be fixed. Steve reiterated that he'd like to include all impervious surfaces somehow. To do so, they needed to include the areas that were available for impervious surfaces, which included some of the setback areas. His suggestion was fairly short. He was adding 6 words and crossing one out. Item L would read 'the portion of the lot available for development with impervious surface'. The Planning office would have a rule the planners would use as to how to calculate that portion of the lot. 'Buildable portion' in this [current] definition wasn't defined either. He asked if Jacob wanted to come back to the Board with this after he had some time to think about it. Jacob understood what Steve was thinking and he didn't disagree with it. With the [suggested] wording, he could see some interpretations going in different directions. It needed more clarification. Right now they had a definition for buildable area. They needed to come up with a definition for the term Steve suggested. Jacob said he could work on that.

Attachment 11, vegetative buffer strips, pg.2, item E:

Jacob asked for feedback on the new wording. He reiterated that currently in the Lakeshore Protection Zone (LPZ) of the first 20 feet, the impervious surface allowed was 5 square feet for every lineal foot of lake frontage. From 20 to 50 feet, which was the rest of the vegetative buffer, no impervious surface limitation existed at this time. From 50 feet on, they were allowed a percentage of the buildable area. The lack of regulation on impervious surface in the 20 to 50-foot area created issues. To get the ball rolling, he suggested that the impervious surface in the 20 to 50 area get counted in with what was allowed in the LPZ. This meant that if right now, someone could have 1000 square feet of impervious surface in that first 20 feet, now it would be 1000 square feet in the area for that first 50 feet. They could do something else, like saying what was allowed from 20 to 50 couldn't exceed what was allowed for the area in the first 20 feet. It couldn't be put in the lakeshore regulations because those didn't have authority outside the 20 feet.

Steve suggested allowing another 5 square feet within the 20 to 50 feet area per lineal foot of lakeshore frontage. Jacob asked if the amount from the first 20 feet should be transferrable to the 20 to 50 area. Steve said they couldn't put all 10 square feet in either area. Jacob noted if the first 5 square feet were transferable to the 20 to 50 area, that would take it farther from the lake. Steve asked for examples of what kind of footage people had requested and how many variances might get requested if just 5 square feet were allowed in that 20 to 50-foot range. That would be helpful in making a decision.

Attachment 9, administration:

Jacob spoke about the changes in this section that might also be new to other districts. The appeal process was a big change. Previously, the only option for appeals to decisions by the

Board of Adjustment was to go to District Court. State law now allowed them to appeal to the Board of Commissioners, and if they wanted to, they could go from there to District Court. The violation section, in the last page of attachment 9, item E.1.c, included language to assess an administrative penalty. It would still go through the rest of the process. This was in addition to after-the-fact fees and was per violation.

Attachment 10, short-term rentals, pg. 2:

Item M, required permits:
Jacob clarified that the State license and the Environmental Health approval were both done by the Environmental Health Dept. The two departments worked on this together. Rick noted the County didn't need to help the State get the [bed] tax. It was incumbent on the people running the STR to collect it and send it in. Jacob said people were told they were responsible for doing that in [item i]. Steve asked if they needed to add something about proof to item i. Jacob explained Planning would not issue a permit until someone had their state license, which Planning would see. It was part of the daily process that Planning didn't issue until Environmental Health was ready. They would not be ready until they had the State license in hand and the septic and water supply had both been looked at. Every STR had to have a license. Only a portion had to have a zoning conformance permit.

Public notice:
Lee asked in the last sentence if 'appellant' should be 'applicant'. Jacob replied that since this section discussed appeals, 'appellant' actually would apply in that case.

Item J, Nontransferable:
Rick asked about renewals. Jacob explained that the expiration date would be upon sale of the property. However, the State license would need to be renewed.

Janet asked for clarification. Would each instance of rental that was less than 30 days require a permit? Jacob clarified that this was not the case. Rick asked if you did one 3-day rental every 30 days, were you in compliance [without a permit]? Jacob referred to Steve's earlier comment: by the letter of the law, you probably were compliant. If that was your intent, technically you should have approval. If you started advertising, that changed everything.

Wally spoke about protest, court opinions and the legislature. He clarified for Steve that each owner with one parcel got one vote, regardless of the parcel size. He noted an amendment was different than expanding zoning.

In the findings of fact, Steve wondered if they need to say even though the zoning district didn't include all of the properties around the lake, the amendments still provided some improvement in health and safety and environmental protections and so forth.

Steve checked with Jacob on whether a motion was needed. Jacob said he would be happy to take a recommendation from the Board but he had expected that he would bring this back. Steve agreed this would be good after the discussed changes and tuning. Jacob asked if the Board members felt they would be ready to make a recommendation at the next meeting. Steve thought

so. Rick asked about the status of public notification. Jacob said he hadn't noticed the public hearing yet because he didn't know how long this would take with the Planning Board. Rick wanted to make sure everybody had an opportunity to hear this in his neighborhood.

Wally noted per the Supreme Court that zoning ordinances must be consistent with the comprehensive plan. In simple terms, their findings needed to say that they'd considered those things and this was consistent with what they were trying to do. If they had other ideas on making it more consistent with what they perceived the growth policy to be, no one's feelings would be hurt. Rick alerted the group that he had a long-planned conflict with the next month's meeting and would not be here. He would contact as many people as he could and tell them to look at the website and to call if they needed clarification. Steve reiterated that these were amendments and did not include changes to the district boundaries. Regarding the concern in his area, Rick though STR's were not the issue so much as the development of the rest of the lake and how zoning impacted that. The impact on water quality and the lake was the much greater concern.

Sigurd and Jacob talked about the decision to expand a district might be proposed by the Commissioners, the people in the area or the Planning Board. Steve noted it would have to be approved by the Commissioners.

John Fleming asked how many zoning districts needed to be amended. Jacob outlined that 13 were administered by the County. Most started as citizen or part 1 zoning and now all but 3 were part 2 zoning. Wally talked about how that happened. He confirmed for Steve that if part 1 zoning or 'bottom up' zoning was amended 'top down', it was still type 1 zoning. Jacob listed the three that were still part 1 that had not been amended since [they were created in] the '80's.: Melita Island/Labella Lane, Kings Point and South of Ronan. They were all different, which was why it was such a struggle to make them more consistent.

MAP & TEXT AMENDMENTS TO SWAN SITES ZONING DISTRICT & REGULATIONS (8:24 pm)

Jacob Feistner presented the staff report. (See attachments to minutes in the April 2019 meeting file for staff report.) He noted many of the attachments were the same as those for Lake Mary Ronan. Unique items for Swan Sites were the map changes and description changes that were in attachment 2. These were described, beginning on pg. 3 of the report. While explaining that all of the amended lot #128 of Swan Sites No. 1 should be shown as being in the zoning district, Jacob noted that the area shown north of that comprised another zoning district, Kootenai Lodge. For the correction needed to lot 180, Jacob said he would bring the correct revision next month as the one he made here needed more correction.

Jacob brought up an additional amendment to add. He pointed to at least 3 parcels along the western side of the zoning district, by Loon Lake, in Swan Sites 4 and 5 that had been boundary-line adjusted, which were partly within and partly outside of the zoning district. After discussion with Wally, they felt adding a statement in the descriptions to say 'any properties added to parcels within the zoning district become part of the zoning district' instead of having to change the [zoning district] boundary [on the map] every time somebody did a boundary line adjustment would be a simple way to deal with this. Wally described further some of the issues that could

come up, where someone might try to evade the rules. Steve observed the new map didn't shown inclusion of those amended lots. Jacob understood from his discussion with Wally that if he added that line [of text], it didn't have to. Those were in flux. If he changed it today, it would be different in two years. For some reason, people in this area were adjusting boundaries.

Janet suggested adding the language that the map doesn't necessarily reflect the exact boundaries. Wally said that could be added to the other sentence. They were trying to address the issue of intentional evasions. This solved the problem. Steve asked if they needed to make a statement somewhere that a single lot couldn't be partially zoned and partially not zoned. It was either one or the other. Wally said it might be wise if they wanted to go there to say that. They needed to accommodate the purposes of the zoning as set out in the growth policy. The purpose was to stop evasions or intentional evasions of the rules they hoped to implement to achieve the purposes of the growth policy. Discussion ensued to verify that if a small zoned area was joined to a large unzoned area, the whole thing then became zoned.

Jacob moved on from suggested map changes to suggested text amendments as outlined in the staff report. For #7 regarding slopes and conditional uses, he didn't discuss in the staff report if they wanted to give that a minimum. For example, in the East Shore Zoning, it said you could disturb up to 500 square feet. Finley Point didn't give a minimum, so any disturbance required a conditional use. The Board might want to talk about whether there was a minimum disturbance allowed without a conditional use if they agreed it was a good idea. Steve asked what the Lake Mary Ronan zoning said. Jacob found that structures were not to be located on slopes that were 25% or greater. They hadn't had issues with it in Lake Mary Ronan, so he didn't address it. Most of the lots they'd permitted there were fairly flat. Swan Lake had a lot of slopes surrounding it and it had been somewhat of an issue there. They could add it into both. Rick said some properties around Lake Mary Ronan had steep slopes but they weren't developed. Jacob said there could be some need for it if the west side got developed. He could add that in. What did the Board think about a minimum? Both Upper West Shore and East Shore had a minimum of 500 feet on lakefront and 2000 feet on non-lakefront. Steve thought if they didn't have those limits, they'd have a lot more people that would have to apply. Jacob agreed that it would be a challenge for staff. He liked 500 for within 300 feet of the lake and 2000 outside of that. Steve thought that sounded good.

Item #8 regarding ADU's, pg. 6:

Jacob noted most properties along the lake didn't have the acreage to do ADU's. Some of the non-lakefront lots would, and it was in line with what the Growth Policy was encouraging. Janet asked if he wanted to say they could have potentially more than one unit or potentially have an additional unit. Jacob replied if they had 3 or 4 times the density, they could put in guest cabins for rent. If they had 20 acres and the density was 3 acres, what [staff] had seen in the Swan was they'd put in 5 or 6 guest cabins with a bathhouse and they'd rent them through Buildings for Lease or Rent review. It was something in line with what [the County] had been doing already, if they complied with density. Most of the ones that would comply were up in the mountains, in the trees. If there was a desire [to change the wording], they could certainly do it. Janet asked how you'd enforce defensible space with so many. It was a subdivision for rent or lease. Did you enforce defensible space around those cabins? Jacob replied for 5 or more it would go

through Buildings for Lease or Rent, and they would get comment from the fire dept. and the applicant would have to address concerns of the fire dept. Four cabins would not go through that review unless it was in the zoning.

Defensible space:

Janet's concern was that every structure within a forested area should meet that defensible space requirement. Jacob said they would have to put that into the zoning if they wanted that. Steve said they'd discussed changing the purpose to include 'and protect and enhance public safety'. They could put it in the zoning because it was part of the purpose, but where? Jacob suggested it could be tied to property construction guidelines in section 5 or it could be tied in with density. Janet thought property construction might make sense, as you'd be talking about prohibiting wood shake roofing. If that was the place to put it, Jacob outlined the next step would be the standards to put in and what they would be tied to. Janet mentioned the State might have defensible space requirements. Brendeon identified those as recommendations. Steve recalled a 30-foot perimeter and a farther perimeter with different rules in each perimeter. Janet added that the 30-foot was wider on a slope. Jacob asked if they were thinking of applying this only to ADU's. Janet clarified that this would be for new construction to protect public safety. Brendeon thought he could find the recommendations for defensible space from DNRC and bring them to Jacob.

The Board thought these should go in Lake Mary Ronan zoning as well.

Item #9, 70-foot setbacks:

Jacob gave some history. This zoning was based on subdivision covenants, including a 70-foot setback from water for Swan Sites No. 2. The rest had 50-foot setback. This was an area with slope issues, often with a steep slope coming down to a very short bench along the river or the lake. The 70-foot setback didn't seem reasonable. Either they got a variance to the setback or they disturbed the slope to create a flat area. It seemed to make good sense to reduce that to 50 feet to be consistent with elsewhere. Steve asked if they would change their covenants. People would still have to be back 70 feet to meet their covenants. Jacob said that people could amend. Steve observed that would put the onus on the property owner. Jacob pointed to the suggested language in the zoning that it would be up to them to comply with their covenants. Steve thought being consistent with that would be helpful. Jacob agreed that they would appreciate it.

Item #10, height:

Jacob noted that height above 25 feet up to 30 feet required a comment period and notice to the neighbors, which extended the zoning process several weeks and was cumbersome. All other districts allowed up to 30 feet and the fire departments said they could reach up to 30 feet with their trucks. Thirty feet seemed reasonable and did away with the comment process. Lee confirmed with Jacob that Lake Mary Ronan had the 30-foot height limit.

Item #13, covenants:

Jacob highlighted that if the covenants were stricter than the zoning, it was up to the applicant to comply with the covenants or to amend them.

Wally said part of the purpose of doing [amendments] was for changes that were needed. The hope was by doing these two districts first, they could come up with language on the common issues that they could then plug into the other 12. This seemed the easiest was to do it. Steve observed there would be fewer issues with each one if they could agree on the administrative things and wording for things such as STR's and vegetative buffers. He and Wally agreed there might be items they'd want to keep in each district but those should be small and few.

Steve noted no public were present to comment.

Steve touched on items they talked about with Lake Mary Ronan that would go here too, such as adding to the purpose to protect and enhance public safety and considering some words on cultural resources and on weeds. He observed that this zoning talked about non-waterfront lots and also shoreline properties. On pg. 20 of attachment 6, waterfront lots were defined in the definitions. He pointed to inconsistency. For example, did buffer strips apply to properties on Johnson Creek? (Also, it said Lake Mary Ronan in places.) Comparing attachment 14 on vegetative buffer strips to pg. 5 of attachment 6 with the sub-districts, it talked about setbacks from the lake, river or stream, which varied in A.2.a. Were the lots with the 20-foot setbacks those on Johnson Creek? There might be an issue with asking people to have a buffer that was wider than the setback. Jacob identified lots 60-100 as being along Johnson Creek. Lots 166-171 were on Swan Lake. The lots on either side of 166-171 had the 50-foot setback. Why did they break them out? Janet asked if they might have homes that existed prior to zoning that were only 20 feet back. Jacob said he'd look at that closer.

Steve summarized. They needed to use the same term consistently: shoreline lots or waterfront lots. They needed to make sure they didn't ask someone with a 20-foot setback to have a 50-foot buffer. Jacob confirmed for Janet that the setback was from high water. Steve couldn't find that in the regulations, so maybe something needed to be said about that. Jacob supplied that it should be from high water. It was tough on Swan Lake because an elevation wasn't established for the high water. He liked having that language in there. Lee mentioned the Lakeshore Protection Regulations required 20 feet from the high water mark. Steve said the definition for the Lakeshore Protection zone talked about the mean annual high water elevation.

Steve asked if the same definition for average building height was used in all of the zoning districts. Jacob said not necessarily. They didn't have a definition yet that he really liked. Steve spotted 'average ground elevation' used in Lake Mary Ronan regulations but not building height. They needed to have a definition for it and a calculation for building on a slope. Jacob said the definition was a little short. It said 'as measured from the average ground elevation'. Steve read that definition for Lake Mary Ronan, and then from Swan Sites. This could be reworded to be clearer. Jacob translated that you couldn't pile up dirt to make the house shorter. He confirmed for Steve that he would propose something for the possible change in impervious surface area. His vision was they would have a consistent definition section that they could plug into everything. They might tackle that at one time so he hadn't spent much time on definitions for that reason. Steve thought it was critical to be consistent with the wording, like shoreline

property versus waterfront property. They'd need to use the same set of words in all of the zoning districts. Also Lake Mary Ronan was mentioned in [Swan Sites] attachments 12 and 13.

Jacob said he would address the things the Board mentioned and bring another version to them on May 8. He asked if the Board felt they would be ready to give a recommendation at that time, as the Commissioners meeting had a 45-day noticing period. It had to be posted at 5 places within the district. He asked for location suggestions from the group, which they generated.

Jacob pointed out the public comment sent in regarding the Swan Sites zoning district, and summarized the content.

Several Board members voiced that they thought they could give a recommendation at the next meeting.

MINUTES (9:11 pm)
March 13, 2019:
At the end of the next-to-last line on pg. 1, Janet changed 'option' to 'options' and on pg. 4, 8 lines from the bottom of the third paragraph 'Safety of Dams' replaced 'Save the Dams'. In the 4th line of the last paragraph, Steve corrected 'CS&TK' to 'CS&KT'. In the 5th line, Jacob changed 'Ashely' to 'Ashley'. On pg. 5 in the last full line, Steve changed 'inaudible' to 'access'; the brackets remained.

Motion by Lee Perrin, and seconded by Rick Cothern, to approve the March 13, 2019 meeting minutes as amended. Motion carried, all in favor.

OTHER BUSINESS
Lita mentioned the May meeting would probably be in the usual room but be alert for changes in the information that the Board members received. Jacob noted the Board of Adjustment had 5 items. Staff recommended staying with the usual 7 pm time for next month.

Steve Rosso, chair, adjourned the meeting at 9:17 pm.